

# EXHIBIT

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,  
W.A. DREW EDMONDSON, in his  
capacity as ATTORNEY GENERAL  
OF THE STATE OF OKLAHOMA,  
et al.

Plaintiffs,

V.

TYSON FOODS, INC., et al.,

Defendants.

No. 05-CV-329-TCK-SAJ

TRANSCRIPT OF PROCEEDINGS

HAD ON DECEMBER 15, 2006

MOTION HEARING

BEFORE THE HONORABLE SAM A. JOYNER, Magistrate Judge

APPEARANCES:

For the Plaintiffs: Mr. Louis W. Bullock  
Mr. David P. Page  
Mr. Randall J. Miller  
Mr. M. David Riggs  
Mr. Richard T. Garren  
Mr. David P. Page  
Mr. Frederick Baker  
Mr. Robert A. Nance  
Ms. Kelly Hunter Burch  
Mr. Robert D. Singletary

1 can decide whether their proof is sufficient, or not.

2 THE COURT: Mr. George, are you saying that at this  
3 stage of the lawsuit they have never given you a specific  
4 location in which they found heightened phosphorus, arsenic,  
5 bacteria or hormones?

6 MR. GEORGE: That is what I'm saying, Your Honor.

7 THE COURT: Well, that would be a bit hard to believe,  
8 but I mean, it may be true, I just -- We'll let them respond.

9 MR. GEORGE: Your Honor, and in fact, some of the  
10 discovery that has been objected to in this case and, you know,  
11 maybe we'll have to bring it before Your Honor, maybe we will  
12 not, asks precisely that. Identify the places where you found  
13 elevated levels of constituents. And what we got in response  
14 was that's work product.

15 THE COURT: Okay.

16 MR. GEORGE: That's what we got. Now Your Honor, I  
17 would leave the Court and for that matter the plaintiffs, with  
18 the following on the CMO, and that is, if there's a particular  
19 aspect of the CMO that the defendants have proposed that either  
20 this Court or the plaintiffs considers improper or  
21 unreasonable, the defendants are open to a conversation on that  
22 and would welcome it. And we will be prepared to prepare to  
23 discuss those things in connection with the more traditional  
24 scheduling deadlines if your Court-- if Your Honor decides to  
25 go to that direction after lunch. Okay.